IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION No: 23648 of 2004

Between:

Sai Cultural and Recreation Society, Annavaram, Sankavaram Mandal E.G.District rep. by its President Ch.Subba Rao, S/o.Govind R/o.D.No.3-147 Annavaram, Sankavaram Mandal, E.G.District.

..... PETITIONER

AND

1 The Superintendent of Police E.G. District at Kakinada.
2 The Deputy Superintendent of Police and Sub Divisional Police Officer, Peddapuram Sub Division, Peddapuram E.G. District.
3 The Inspector of Police Prathipadu, E.G. District.
4 The Station House Officer Annavaram P.S. Annavaram, E.G. District.
5 The Mandal Revenue Officer Shankavaram Mandal, E.G. District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the impugned action of the respondents 2 to 4 in interfering with the lawful activities of the petitioner society in conducting skill games including rummy with stakes and syndicate etc., by registering a false case vide Crime No.148/2004 on the file of the 4th respondent showing persons unconnected with the society as highly illegal, arbitrary and provisions of A.P. Gaming Act and consequently direct the 5th respondent either to supervise on his own or depute any official to act as Supervisor/Commissioner to supervise lawful activities of the petitioner society and pass such other orders.

Counsel for the Petitioner: MR.G.V.SHIVAJI

Counsel for the Respondents: GP FOR Home

The Court at the admission stage made the following:

ORDER:

Petitioner is a Cultural and Recreation Society. Its grievance is that the respondents are interfering with its activities and preventing its members from playing rummy with stakes or in syndicate.

Learned counsel for the petitioner submits that in ***State of A.P. v. K. Satyanarayana***, the Supreme Court held that rummy with 13 cards is not a game of choice and it is a game of skill. He contends that Sections 3 and 4 of the A.P. Gaming Act, 1974 do not apply to such game and it falls within the meaning of game of 'mere skill' under Section 15 of that Act.

Learned Government Pleader for Home, on the other hand, submits that under the guise of playing the game of rummy, the members of the petitioner are resorting to three cards play, which is purely the one of choice.

As part of its activities, the petitioner is maintaining a card room. It is stated that the members of the petitioner club are playing only the 13 card rummy, sometimes with stakes and sometimes in syndicate. In view of the Judgment of the Supreme Court referred to above, the respondents cannot interfere with the playing of rummy by the members of the petitioner. However, if it is noticed that the members of the petitioner are playing any game of choice, including the one with three cards, steps can certainly be taken in accordance with law to prohibit and penalize such activities.

Hence, the writ petition is disposed of directing that the respondents shall not interfere with the lawful activities of the members of the petitioner, namely, playing of rummy with 13 cards with stakes or in syndicate and in case, they are found to be playing any other game of skill, it shall be open to the respondents to take such action as is open to them in law. It is also made clear that under the guise of causing inspection, the officials or advocate-commissioners shall not be posted and the activities of the club cannot be crippled. There shall be no order as to costs.

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20.12.2004

Jsu

To

1 The Superintendent of Police E.G. District at Kakinada.
2 The Deputy Superintendent of Police and Sub Divisional Police Officer, Peddapuram Sub Division, Peddapuram E.G. District.
3 The Inspector of Police Prathipadu, E.G. District.
4 The Station House Officer Annavaram P.S. Annavaram, E.G. District.
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6 2 CCs to the G.P. for Home, High Court of A.P., Hyderabad (OUT).

7 2 CD copies.